

SENATE BILL NO. 96

INTRODUCED BY GAGE

IN THE SENATE

January 12, 1985	Introduced and referred to Committee on Business and Industry.
January 18, 1985	Committee recommend bill do pass as amended. Report adopted.
January 19, 1985	Bill printed and placed on members' desks.
January 21, 1985	Second reading, do pass.
January 22, 1985	Considered correctly engrossed.
January 23, 1985	Third reading, passed. Ayes, 49; Noes, 0.
	Transmitted to House.

IN THE HOUSE

January 24, 1985	Introduced and referred to Committee on Natural Resources.
March 21, 1985	Committee recommend bill be concurred in. Report adopted.
March 23, 1985	Second reading, concurred in.
March 25, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 25, 1985	Received from House.
March 26, 1985	Sent to enrolling.
	Reported correctly enrolled.

1 Senate BILL NO. 96  
2 INTRODUCED BY [Signature]

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT THE  
5 LAWS PERTAINING TO SEISMIC EXPLORATION APPLY TO EXPLORATION  
6 DONE BY MEANS OF NONEXPLOSIVES AS WELL AS EXPLORATION DONE  
7 BY MEANS OF EXPLOSIVES; TO INCREASE FROM 10 TO 30 DAYS THE  
8 TIME REQUIRED TO RESPOND TO A COUNTY CLERK AND RECORDER'S  
9 REQUEST FOR A RECORD OF OPERATIONS; AMENDING SECTIONS  
10 82-1-101, 82-1-104, 82-1-107, 82-1-108, AND 82-11-122, MCA."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 82-1-101, MCA, is amended to read:

14 "82-1-101. Persons required to comply. (1) A person,  
15 firm, or corporation operating individually or through  
16 agents within the state of Montana for the purpose of  
17 geophysical seismic exploration in which exploration the  
18 seismograph--is-utilized-along-with-explosives entry is made  
19 upon the surface estate for the determination acquisition of  
20 geophysical data for any purpose whatsoever, and which  
21 person, firm, or corporation either through its own  
22 employees or by hiring the services of others operates  
23 "seismograph crews", as the term is generally known, shall  
24 comply with the following provisions of this part; provided,  
25 however, that compliance with the provisions of this part by

1 a seismograph crew or its employer shall constitute  
2 compliance herewith by that person, firm, or corporation who  
3 has engaged the services of such crew or its employer as an  
4 independent contractor insofar as the geophysical operations  
5 of such crew are concerned.

6 (2) The board of oil and gas conservation shall adopt  
7 rules requiring adequate identification of geophysical  
8 seismic exploration crews operating in this state and  
9 designating areas where geophysical seismic exploration and  
10 activities may not be allowed."

11 Section 2. Section 82-1-104, MCA, is amended to read:

12 "82-1-104. Surety bond -- restoration of surface. (1)  
13 A Prior to performing such seismic activity, a person, firm,  
14 or corporation desiring--to--engage--in--such--geophysical  
15 exploration shall also file with the secretary of state a  
16 good and sufficient surety bond in the amount of \$10,000 for  
17 a single such geophysical seismic crew or a blanket surety  
18 bond in the amount of \$25,000 for all such geophysical  
19 seismic crews operating within the state for such person,  
20 firm, or corporation, which bond shall indemnify the owners  
21 of property within this state against such physical damages  
22 to such property as may arise as the result of such  
23 geophysical seismic exploration. Partial or complete  
24 forfeiture of the bond must be determined by the appropriate  
25 court of civil jurisdiction.



1 (2) Unless otherwise agreed as between the owner of  
 2 the surface and such person, firm, or corporation, it shall  
 3 be the obligation of such person, firm, or corporation upon  
 4 completion of exploration to plug all "shot holes" in such  
 5 a manner as shall be specified by the board of oil and gas  
 6 conservation to contain any water within its native strata  
 7 by filling the hole with bentonite mud, or cement, or other  
 8 material approved by the board of oil and gas conservation  
 9 as required to contain the water and capping the same in a  
 10 manner and with a material specified by the board, the top  
 11 of which cap shall be of sufficient depth below the surface  
 12 of the land to allow cultivation. The portion of the hole  
 13 above the cap shall be filled with native material.

14 (3) The Upon completion of any seismic exploration,  
 15 the person, firm, or corporation shall remove all stakes,  
 16 markers, cables, ropes, wires, and debris or other material  
 17 used in such exploration and shall also restore the surface  
 18 around the same any shot holes as near as practicable to its  
 19 original condition.

20 (4) The bond shall remain on file with the  
 21 secretary of state so long as the exploration is carried on  
 22 or engaged in, plus an additional 5 years thereafter;  
 23 provided, however, that the aggregate liability of the  
 24 surety shall in no event exceed the amount of said bond.  
 25 Upon the filing of such bond, said secretary of state shall

1 issue to the person, firm, or corporation a certificate  
 2 showing that such bond has been filed and showing the name  
 3 of the designated resident agent within the state for  
 4 service of process for such person, firm, or corporation."

5 Section 3. Section 82-1-107, MCA, is amended to read:  
 6 "82-1-107. Permit holder to furnish information to  
 7 surface user. (1) Before commencing geophysical seismic  
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 9 surface user as to the approximate time schedule of the  
 10 planned activity, and upon request the following information  
 11 shall also be furnished:

12 (a) the name and permanent address of the  
 13 geophysical seismic exploration firm, along with the name  
 14 and address of the firm's designated agent for the state if  
 15 different from that of the firm's;

16 (b) evidence of a valid permit to engage in  
 17 geophysical seismic exploration;

18 (c) name and address of the company insuring the  
 19 geophysical seismic firm or, if self-insured, evidence of  
 20 such self-insurance;

21 (d) the number of the bond required in 82-1-104;

22 (e) a description of the surface--areas--where the  
 23 planned geophysical seismic activity and where it will take  
 24 place;

25 (f) anticipated need, if any, to obtain water from

1 the surface user during planned geophysical seismic  
2 activity.

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5 responsible person with whom communication may be  
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7 Section 4. Section 82-1-108, MCA, is amended to read:

8 "82-1-108. Filing record of work performed. (1) Within  
9 3 months from the day any firing of shotpoints in  
10 geophysical seismic exploration is done by any person, firm,  
11 or corporation within this state, such person, firm, or  
12 corporation shall file with the county clerk and recorder of  
13 the county in which the work was done a record showing each  
14 township and range within the county in which the work was  
15 performed and the approximate date on which the work was  
16 performed.

17 (2) Such person, firm, or corporation shall file with  
18 the county clerk and recorder a record showing the location  
19 of each shotpoint and date fired within a maximum area of  
20 any square, 4-section area of land, upon written request of  
21 the county clerk and recorder. The request must be based  
22 upon the complaint of a property owner that physical damage  
23 to his property has resulted from the use of the seismograph  
24 and explosives in geophysical seismic operations at some  
25 location within the maximum 4-square mile area, and the

1 request shall designate the name and address of the  
2 complaining person and the approximate date and nature of  
3 the alleged damages. The required record of operations in  
4 response to the request of the county clerk and recorder  
5 shall be supplied within ~~10~~ 30 days from the date on which  
6 the request is received."

7 Section 5. Section 82-11-122, MCA, is amended to read:

8 "82-11-122. Notice of intention to drill or conduct  
9 seismic operations. It is unlawful to commence the drilling  
10 of a well for oil or gas without first filing with the board  
11 written notice of intention to drill and obtaining a  
12 drilling permit as provided in 82-11-134. It is unlawful to  
13 conduct seismic explorations with-explosives without first  
14 giving the board a copy of the notice of intention to  
15 explore filed with the county under 82-1-103."

-End-

APPROVED BY COMM. ON  
BUSINESS AND LABOR

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16 NEW SECTION. SECTION 6. EXTENSION OF AUTHORITY. ANY  
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5 Section 3. Section 82-1-107, MCA, is amended to read:  
 6 "82-1-107. Permit holder to furnish information to  
 7 surface user. (1) Before commencing geophysical seismic  
 8 activity, the person, firm, or corporation shall notify the  
 9 surface user as to the approximate time schedule of the  
 10 planned activity, and upon request the following information  
 11 shall also be furnished:

12 (a) the name and permanent address of the  
 13 geophysical seismic exploration firm, along with the name  
 14 and address of the firm's designated agent for the state if  
 15 different from that of the firm's;

16 (b) evidence of a valid permit to engage in  
 17 geophysical seismic exploration;

18 (c) name and address of the company insuring the  
 19 geophysical seismic firm or, if self-insured, evidence of  
 20 such self-insurance;

21 (d) the number of the bond required in 82-1-104;

22 (e) a description of the surface--areas--where the  
 23 planned geophysical seismic activity and where it will take  
 24 place;

25 (f) anticipated need, if any, to obtain water from

1 the surface user during planned ~~geophysical~~ seismic  
2 activity.

3 (2) The surface user is responsible for providing the  
4 permitholder with the name and permanent address of a  
5 responsible person with whom communication may be  
6 maintained."

7 Section 4. Section 82-1-108, MCA, is amended to read:

8 "82-1-108. Filing record of work performed. (1) Within  
9 3 months from the day any firing of shotpoints in  
10 ~~geophysical~~ seismic exploration is done by any person, firm,  
11 or corporation within this state, such person, firm, or  
12 corporation shall file with the county clerk and recorder of  
13 the county in which the work was done a record showing each  
14 township and range within the county in which the work was  
15 performed and the approximate date on which the work was  
16 performed.

17 (2) Such person, firm, or corporation shall file with  
18 the county clerk and recorder a record showing the location  
19 of each shotpoint and date fired within a maximum area of  
20 any square, 4-section area of land, upon written request of  
21 the county clerk and recorder. The request must be based  
22 upon the complaint of a property owner that physical damage  
23 to his property has resulted from the use of the seismograph  
24 and explosives in ~~geophysical~~ seismic operations at some  
25 location within the maximum 4-square mile area, and the

1 request shall designate the name and address of the  
2 complaining person and the approximate date and nature of  
3 the alleged damages. The required record of operations in  
4 response to the request of the county clerk and recorder  
5 shall be supplied within ~~30~~ 30 days from the date on which  
6 the request is received."

7 Section 5. Section 82-11-122, MCA, is amended to read:

8 "82-11-122. Notice of intention to drill or conduct  
9 seismic operations. It is unlawful to commence the drilling  
10 of a well for oil or gas without first filing with the board  
11 written notice of intention to drill and obtaining a  
12 drilling permit as provided in 82-11-134. It is unlawful to  
13 conduct seismic explorations ~~with-explosives~~ without first  
14 giving the board a copy of the notice of intention to  
15 explore-filed with the county under 82-1-103."

16 NEW SECTION. SECTION 6. EXTENSION OF AUTHORITY. ANY  
17 EXISTING AUTHORITY OF THE BOARD OF OIL AND GAS CONSERVATION  
18 TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT  
19 IS EXTENDED TO THE PROVISIONS OF THIS ACT.

-End-